



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,088	03/15/2000	VASILIOS YIORYIOS PAPAYIORYIOU	00049	7612
23338	7590	11/22/2005		
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/508,088

Applicant(s)

PAPAYIORIOU, VASILIOS
YIORIOS

Examiner

Jennifer Liversedge

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's remarks regarding restriction have been considered and the restriction has been withdrawn.

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/508,088 (March 15, 2000) filed on July 13, 2005. Because of the withdrawal of the restriction, claims filed on January 11, 2005 will be examined in this Office Action.

The amendment contains canceled claims: 1-13

The amendment contains amended claims: 14, 23-25, 27-30

The amendment contains previously presented claims: 15-22, 26

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,839,804 to Roberts et al.

Roberts et al disclose a system and method of determining part of the value of an asset of an investor for investment by the an investor in a futures contract, comprising:

Art Unit: 3628

receiving data from the investor relating to market value of the asset and to a preferred term of the investment (col. 1, lines 7-33);

receiving data from the investor relating to potential return from the asset over the preferred term (Figures 6A-6B);

calculating a discount value for the asset from the potential return (Figures 6A-6B; 7A-7B);

calculating market values for a range of potential futures investments using the discount value of the asset and the preferred term of investment (Figures 6A-6B; 7A-7B);

presenting the investor with a range of market values for the range of investments and receiving from the investor an indication of an investment selected from the range (claim 1 and Figures 6A-6B).

Response to Arguments

4. Applicant's arguments filed regarding 35 USC § 102 have been fully considered but they are not persuasive. The art as disclosed by Roberts et al. suggest the system and method to suggest preserving an existing asset, and calculating market values for a range of future investments using the discount value of the asset and preferred term of the investment. Further, Figures 6A and 6B are open to interpretation such that the investor could be making the portfolio selection from the options provided. Figures 6A and 6B in Roberts et al.'s patent have been particularly cited in the previous and current Office Actions.

Art Unit: 3628

Roberts et al. disclose making an investment determination based on acknowledging the availability and need in the near future of current assets (column 18, lines 56-62; column 19, lines 46-53 and Figures 6A-6B). The investment content and quantity is based, in part, on the requirement to preserve and protect current assets.

Roberts et al. disclose calculating market values for a range of future investments using the discount value of the asset and preferred term of the investment (column 1, lines 60-68; column 18, lines 56-62 and Figures 6A-6B).

Roberts et al. disclose the technique of portfolio selection based on a list of available of investment options (Figures 6A-6B). The flow charts as shown in Figure 6A-6B do not indicate who is making the portfolio selection based on the list of available and provided investment options. It is very well known to those of ordinary skill in the art that both professional financial advisors/investors and individual investors can make the portfolio selection based on a provided list of available investment options.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3628

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

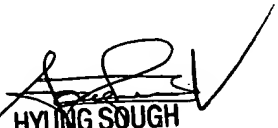
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3628


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600